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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,565	05/04/2006	Marc Theisen	10191/4154	2955

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EXAMINER	
ARTHUR JEANGLAUDE, GERTRUDE	

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
11/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/561,565	THEISEN ET AL.	
	Examiner	Art Unit	
	Gertrude Arthur-Jeanglaude	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 September 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ide et al. (U.S. Patent No. 6,137,335) in view of Khairallah et al. (U.S. Patent No. 6,249,730).

As to claims 12, 21, Ide et al. disclose a method and device for triggering an occupant protection device in a vehicle as shown in Fig 1, comprising: detecting a first measured variable (40L) while simultaneously generating a corresponding first signal for indicating a necessity for triggering the occupant protection device; generating a corresponding second signal (See Fig. 1; abstract); calculating a trigger signal (via Sa, Sb, Sc) for triggering the occupant protection device as a function of the first signal and the second signal; and triggering the occupant protection device (via device #10 as shown in Fig.1) as a function of the calculated trigger signal. Ide et al. fail to specifically disclose detecting an acceleration value in a z direction while simultaneously generating a corresponding signal, wherein the z direction is a vertical direction. In an analogous art, Khairallah et al. disclose a vehicle occupant protection system and method utilizing z-axis central safing wherein it discloses the z direction is a vertical direction generating

signal (See abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Ide et al. with that of Khairallah et al. by having a z direction as a vertical direction and for detecting an acceleration value in a z direction because it would help protect the occupant in a vehicle crash condition.

As to claims 13, 22, Ide et al. disclose the first measure variable includes at least one of an acceleration value in an x direction, an acceleration value in a y direction, and a measured variable that describes at least one of an area ahead of the vehicle and a vehicle surroundings (See abstract; fig.1; col. 2, lines 31-39).

As to claim 14, Ide et al. disclose performing a first detecting of acceleration value in at least one of an x direction and a y direction; performing a second detecting of at least one of an area ahead of the vehicle and a vehicle surroundings; simultaneously with at least one of the first detecting and the second detecting, simultaneously generating a third signal that is incorporated into the calculating of the trigger signal (See abstract; fig.1; col. 2, lines 31-39).

As to claim 15, Ide et al. disclose the detecting of the first measured variable is performed by an acceleration sensor; and the detecting of at least one of the area ahead of the vehicle and the vehicle surroundings are accomplished by one of a radar sensor, a lidar sensor, a video sensor, and an ultrasonic sensor (See abstract; Fig.1).

As to claim 16, Ide et al. disclose the occupant protection device includes at least one of an airbag, an electrically operable side window, a sunroof, a seat, and one of a reversible seat belt tensioner and a pyrotechnical seat belt tensioners, and the airbag

includes at least one of a driver airbag, a passenger airbag, a side airbag, a head airbag, a knee airbag, and a window airbag (See Fig. 9, Fig.13).

As to claim 17, Ide et al. disclose reducing a level of the first signal in the calculating of the trigger signal as a function of at least one of the second signal and a vehicle model (See Fig. 16).

As to claim 18, Ide et al. disclose one of: only level peaks of the first signal are reduced as a function of the second signal, and the level of the first signal is reduced by a predefined value as a function of a level of the second signal (See Fig. 15A).

As to claim 19, Ide et al. disclose raising a trigger threshold for triggering the occupant protection device in the calculating of the trigger signal as a function of the second signal (See col. 4).

As to claim 20, Ide et al. disclose one of a raising of a trigger threshold and a lowering of a level of the first signal is carried out in a calculating of the trigger signal as a function of one of a characteristic-velocity of the vehicle and a relative velocity of the vehicle with respect to an obstacle (See col. 5, lines 56-67-col. 6, lines 1-24).

Response to Arguments

Applicant's arguments with respect to claims 12-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is

(571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gertrude A. Jeanglaude

Gertrude A. Jeanglaude
Primary Examiner
AU 3661